EQUALITY IN ELECTIONS VS. GENDER QUOTATION

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Abstract - The principle of equality in elections is one of the forms of political equality of citizens, guarantees of which are equal votes, equal election powers and equal opportunities.One of the main issues related to equality in elections is the representation mandated of women provided by the legislation of various countries.Gender quotas can be divided into three categories: reserved seats, candidates in the electoral lists, voluntary quotas by political parties. Gender quotation has supporters and opponents. The main argument of the supporters is the fact that this is the only effective way to increase women's participation in politics, which in turn implies the achievement of actual equality. The main basis of criticism is the right to equality before the law and issue of positive discrimination, which in the particular case put them in the best position. They also think that representatives of the Parliament should be elected not by gender but by their qualification.
The paper deals with the practice of different countries, in particular Sweden, Norway, France, Belgium, Austria. Based on the analysis of the current practice and research studies of international organizations, authors makes own conclusions and gives recommendations regarding the solution ways of presented issue according to the reality of Georgia.

Key words - Elections, Equality, Gender Quotation

I. INTRODUCTION

The principle of equality in elections is one of the manifestations of political equality of citizens, providing guarantees of equal votes, equal election powers and equal opportunities. Equal expression of votes implies that every person has an equal number of votes, which in turn implies the exclusion of plural voting. But this principle serves the idea - "one person – one vote". Equal opportunities may be interpreted differently in different states, in particular strict (rigid) and proportional equality. Strict equal opportunities means that every candidate or party is equally secured with state support, regardless of how many representatives are in the parliament and what number of supporters they have. In the case of proportional equal opportunities, specific circumstances lead to differential assistance (representation in parliament, number of electors). Support by the state implies financing, use of mass media, creation of appropriate conditions for election campaigns, etc. One of the main issues related to Equality in Elections is the quotas based on gender provided in legislation of various countries and also in International treaties promoting gender equality. The development of gender quotas as a mechanism for promoting female political engagement and representation is "one of the most effective strategies for increasing the number of women in parliament" by promoting a "level playing field between men and women in political life."

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II. TYPES OF GENDER QUOTAS AND IMPLEMENTATION IN DIFFERENT STATES

Gender quotation is a special mechanism determined by law to activate women's participation in different political institutions. Gender quotation, used in different countries of the modern world,aims to increase women's involvement in executive and legislative branches, to eliminate gender inequality, to protect women from political isolation.

Many of the existing systems are based on the principle of gender neutrality, which implies improvement of the representation of both sexes. In this case, the demand will be set as follows: no sex representative should have more than 60% and less than 40%.

Gender quotation can be divided into three categories: reserved places, legal quotas and party quotas.

By their nature, voluntary political party quotas are simpler to introduce than legislated quotas. Voluntary party quotas have been applied in different ways. Above-mentioned system is implemented in Scandinavian countries in the XX century.For example, the 'zipper' system, popular in parts of Europe, requires party candidate lists to alternate between one male and one female candidate or that every three candidates must include one woman. The zipper system has been particularly effective in Sweden, where five parties have adopted voluntary party quotas to achieve a gender balance and resulted in a consistently high proportion of women elected to parliament over the past 15 years. Reserved seats are implemented through constitutional provisions. They are not used in European states, but they are found in Africa, Asia and the Middle East. They emerged in the 1930s, but since 2000 have become popular in

countries with very low proportions of women in politics. Early policies reserved between 1-10% of seats for women, but more recently the indicator increased to 30%.

Legal quotas are enacted through reforms to electoral laws and sometimes constitutions, requiring that all parties nominate a certain percentage of women candidates. This system is very often found in Latin America and Post-conflict Societies, but it doesn't exclude high developed democratic countries also.

Abovementioned right is guaranteed by the Constitution of France, which provides women and men with equal access to elective positions. Furthermore, financial sanctions are settled against the Party which violates the provisions of Article 9 of the Constitution, which implies that the difference between female and male candidates in the same election district should not exceed 2%. In case of violation of this requirement, the finances of Party will be reduced from the state budget according to the percentage indicator which is half of given difference.

In Belgium Quotation issue became especially relevant in the late 1970s. Initially the quotation was voluntary, but in 2002 the mandatory quotation system was finally established.Changes based on the adoption of the law on gender equality. According to changes it's a must for equal representation of women and men in party lists without the difference of 1%, otherwise the party won't be registered. This requirement concerns both chambers of Parliament and local self-government bodies. By 2017, there are 57 women in chamber of representatives (from 150) and 30 in Senate (from 60).

In Spain, legislation determined the compulsory system of quoting. Earlier, in the 1980s, the Spanish left-wing ideology parties set voluntary quotas for party lists and party executive committees. On March 3, 2007, the Spanish Parliament adopted law on "Effective Equality of Women and Man". According to these amendments, Political parties are required to have at least 40 percent of both sexes in the party lists while in the lower house of Spanish Congress, where there are no more than 5 places, the ratio between women and men should be as equally as possible. As a result, the women's representation that was 15% in 1990 increased to 39% by 2016. At present, 137 MPs from 350 members of the Congress (Dept. Chamber of Deputies) are women.

Despite the examples presented, in some cases the quotation system has failed to substantially influence women's representation in the country's highest legislative bodies.In Bosnia and Herzegovina, where quotas are defined by electoral legislation, the introduction of compulsory quotation mechanism has not substantially affected women's political representation. Women's elective dynamics in Bosnia and Herzegovina's Parliamentary Assembly is as follows:

- 2006 – 6 women; 14.29% of total members;
- 2010 – 7 women; 16.67% of total members;
- 2014 – 9 women; 21.43% of total members.

The same results are in Greece; In 2012 the women members of lower chamber of Parliament was 21%; In 2015 the result was only 2% higher.

According to the OSCE studies women held 19% of seats in lower chambers of parliament in 2010 compared to 11% in 1995. Yet only 26 countries have achieved 30% target women in decision-making positions set by the 1995 Beijing Platform.

According to UN statistics, in 2018 only 24% of all national parliamentarians were women; by 2019 11 women are serving as head of state and 10 are serving as Head of Government.

III. GENDER QUOTAS AND GEORGIA

The work on gender equality issues started in the Parliament of Georgia since 2004 when the Gender Equality Advisory Council was established.

In 2010 the Georgian Law on Gender Equality was adopted, which led to the turning of the Gender Equality Council to the Permanent Organ of the Parliament of Georgia.

In 2011 the amendments to the Law on Political Unions of Citizens were adopted. According to the amendments, political party gets 10% more financial aid if it will present the list of candidates including women's' 20% representation.

In 2014 State increased the funding up to 30% for the political parties that will present the list with 30% of women candidates.

Despite of Abovementioned amendments regarding the funding, in 2016 only 16% of total members of parliament were women (24); this indicator is even lower in local self-government bodies – nearly 13%.

In 2017 working group consisted from the members of non-governmental and international organizations submitted a draft law on gender quotation signed by 37 455 voters. Presented draft law considered amendments to Election Code and Law of Political Unions of Citizens. The initiative was only related to the candidates nominated by the proportional electoral system.

The Parliament of Georgia did not support the draft law on the first hearing. Only 66 of the 150 MPs supported the draft.

In the framework of the constitutional reform implemented in 2017, changes were made to the "basic human rights chapter". According to Article 11 of Constitution of Georgia, the State provides equal rights and opportunities for men and women. In addition, it takes special measures to ensure essential equality of men and women and to eliminate discrimination.

It is controversial whether or not the "special measures" mean establishment of quotas as a real way to protect women from political isolation. In the case of a positive response to this question, after the enactment of the new edition of the constitution, determining the legislative level of the quotation

mechanism will become a constitutional obligation and the decision will not dependent on the will of MPs. Based on special nature and influence of gender quotas, it is of great importance to exercise the relevant model of quotation that will be adapted to the existing electoral system and to make it effective. In this regard, it is important to take into consideration the level of development of country, political and legal culture and values of population.

In Georgian reality there always was the lack of political will for exercising gender quotation mechanism. 52% of Georgia's population is women; therefore they have legal and moral right to participate political decision-making process.

CONCLUSION

According to abovementioned it can be concluded that:

- Quotas are one of the main measures for increasing women's' political representation.
- Electoral gender quotas have led to rapid increases in women's representation in some states, but to less successful results in others.
- Gender quotas have gained the support of International Organizations.

In order to be effective, a quota system must be compatible with the electoral system of specific country and also consider effective legal sanctions. There are several important factors contributing to the effectiveness of quota systems:

a. Political parties as the main gatekeepers in recruiting and nominating candidates;
b. Additional incentives or sanctions for non-compliance;
c. Mentoring and training programs to attract and support women candidates;
d. Commitment from key decision-makers.

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